

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ELIZABETH ROSE WENZLER,

Plaintiff,

v.

SACRAMENTO SUPERIOR COURT,

Defendant.

No. 2:24-cv-02458-DC-AC (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. Nos. 2, 5)

Plaintiff Elizabeth Rose Wenzler proceeds *pro se* in this civil action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 28, 2024, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed. (Doc. No. 5.) Specifically, the magistrate judge found that Plaintiff's complaint is barred by the Eleventh Amendment, fails to state a claim upon which relief can be granted, fails to establish a basis for subject matter jurisdiction, and the court is precluded from exercising subject matter jurisdiction to the extent Plaintiff's claims are inextricably intertwined with the validity of a state court judgment. (*Id.* at 3–4.) Further, the magistrate judge found that "leave to amend would be futile" given the defects in Plaintiff's complaint. (*Id.* at 4.) Accordingly, the magistrate judge recommended Plaintiff's complaint be dismissed without leave to amend. (*Id.*)

1 Those findings and recommendations were served on Plaintiff and contained notice that
2 any objections thereto were to be filed within twenty-one (21) days from the date of service. (*Id.*
3 at 4.) On November 12, 2024, Plaintiff filed objections to the pending findings and
4 recommendations. (Doc. No. 6.)

5 Plaintiff's objections are largely incomprehensible, consisting of rambling and
6 nonsensical sentences. (*Id.*) Plaintiff "agree[s] [t]o close the case[]," but does not otherwise
7 meaningfully address the magistrate judge's findings and recommendations. (*Id.*) Thus, Plaintiff's
8 purported objections do not provide a basis upon which to reject the findings and
9 recommendations.

10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
11 *de novo* review of the case. Having carefully reviewed the entire file, including Plaintiff's
12 objections, the court concludes that the findings and recommendations are supported by the
13 record and by proper analysis.

14 Accordingly:

- 15 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is GRANTED;
- 16 2. The findings and recommendations issued on October 28, 2024 (Doc. No. 5) are
17 ADOPTED in full;
- 18 3. Plaintiff's complaint is dismissed without leave to amend; and
- 19 4. The Clerk of the Court is directed to close this case.

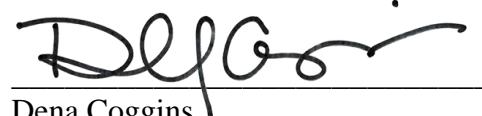
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IT IS SO ORDERED.

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Dated: January 31, 2025



Dena Coggins
United States District Judge

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